

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Emergency Rules

■ DISEASE REPORTING

The DEPARTMENT OF PUBLIC HEALTH adopted an emergency amendment to Control of Communicable Diseases Code (77 IAC 690; 44 Ill Reg 13473) effective 8/3/20 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 44 Ill Reg 13298. The emergency and proposed rulemakings add novel coronavirus diseases, including COVID-19, Severe Acute Respiratory Syndrome (SARS) and Middle Eastern Respiratory Syndrome (MERS) to the list of diseases and conditions that must be reported to a local health department immediately (within 3 hours) upon clinical suspicion of the disease, and which the local health department must immediately report to DPH. The rulemakings also establish the following procedures for the control of COVID-19, SARS and MERS:

COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

all confirmed or suspect cases should be isolated at home or an alternative setting; contact and droplet precautions, including eye protection, must be observed, with additional airborne infection precautions for confirmed or suspected cases in a health care facility; contacts of cases shall be placed under surveillance with close observation for fever or any

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Proposed Rulemakings

■ ANIMAL DISPOSAL

The DEPARTMENT OF AGRICULTURE proposed amendments to the Part titled Illinois Dead Animal Disposal Act (8 IAC 90; 44 Ill Reg 13156), allowing livestock producers to dispose more readily of dead cattle, poultry or swine. This rulemaking, upon adoption, will replace an emergency rule that was effective 5/7/20 at 44 Ill Reg 8483. Livestock owners, caretakers and animal collection services may dispose of dead livestock, poultry, fish, or captive wild animals by transporting them to any appropriate site (currently, a landfill or a composting site approved by DOA). Carcasses may be composted without a roof over, or an impervious, weight-bearing foundation beneath, the entire composting area, and multiple composting bins are not

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.
QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Adopted Rules

■ UNEMPLOYMENT

The DEPARTMENT OF EMPLOYMENT SECURITY adopted an amendment to Payment of Unemployment Contributions, Interest and Penalties (56 IAC 2765; 44 Ill Reg 5971) effective 7/28/20, replacing an emergency amendment effective 4/8/20 at 44 Ill Reg 6099. The rulemaking provides that business interruptions and closures due to the COVID-19 pandemic constitute good cause for waiving any penalties an employer would otherwise incur for failing to timely submit February 2020 wage reports to DES. Small businesses will be affected.

Questions/requests for copies: Kevin Lovellette, DES, 33 S. State St., Rm. 930, Chicago IL

60603, 312/793-1224, fax 312/793-5645, Kevin.Lovellette@illinois.gov

■ PRESCHOOLS

The STATE BOARD OF EDUCATION adopted an amendment to Early Childhood Block Grant (23 IAC 235; 44 Ill Reg 1461) effective 7/28/20, implementing Public Act 100-819. The rulemaking requires early childhood programs that receive State funds under the Early Childhood Block Grant program to collect and review data on chronic absences (students who are absent with or without valid cause for 10% or more of school days in the most recent academic year) and determine what resources and supports are needed to encourage regular attendance.

This data must be reported to SBE by 7/1/20 and annually thereafter. SBE must also make the report publically available via the Illinois Early Childhood Asset Map website and the Preschool for All program. Preschool programs that participate in the grant program are affected by this rulemaking.

STUDENT RECORDS

SBE also adopted amendments to the Part titled Student Records (23 IAC 375; 44 Ill Reg 2718) effective 7/28/20 implementing two Public Acts. The rulemaking updates the definition of a student temporary record to include information contained in service logs kept by a local education agency that is providing services to a student with

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Emergency Rules

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COVID-like respiratory symptoms; laboratories or other facilities that provide tests or screening for coronavirus diseases shall report all results (positive, negative, or indeterminate) to DPH via its electronic lab reporting system and to the Illinois National Electronic Disease Surveillance System, and instruct clients that patient demographic information must be submitted with any order or request for testing. Laboratories may only submit results for tests they have performed, not for referred specimens, and shall forward any clinical specimens to DPH for further testing if DPH or a local health authority deems it

necessary. The rulemaking also repeals separate provisions for SARS cases. Those affected by this emergency rule include local health departments, health care facilities, medical laboratories and other testing facilities.

Questions/requests for copies/comments on the proposed rulemaking through 9/28/20: Erin Conley, DPH, 535 W. Jefferson St, 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

■ UNEMPLOYMENT

The DEPARTMENT OF EMPLOYMENT SECURITY adopted an emergency

amendment to Payment of Unemployment Contributions, Interest and Penalties (56 IAC 2765; 44 Ill Reg 13339) effective 7/28/20 for a maximum of 150 days. An identical proposed amendment appears in this week's *Register* at 44 Ill Reg 13218. The emergency and proposed rules state that unemployment claims filed from 3/15/20 through 1/2/21 are presumed to be directly or indirectly attributable to the COVID-19 pandemic unless otherwise specified. Employers who file applications for revision of a statement of benefit charges

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Proposed Rulemakings

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required. Requirements for static pile composting of swine carcasses (e.g., a cover of at least 10 inches of carbon source at all times) are extended to composting of cattle, horses, sheep, goats, and other small animals. Disease vectors, dust, and litter must be controlled and animal carcasses must not be visible from public roads or habitable structures. Those affected by this rulemaking include livestock and poultry producers and animal disposal/rendering services.

Questions/requests for copies: Pamela Harmon, DOA, State Fairgrounds, PO Box 19281, Springfield IL 62794-9281, 217/524-6905, fax 217/785-4505.

SENTENCE CREDIT

The DEPARTMENT OF CORRECTIONS proposed amendments to Records of Offenders (20 IAC 107; 44 Ill Reg 13205) implementing PA 101-440 and replacing emergency rules effective 4/7/20 (44 Ill Reg 6091). The rulemaking extends eligibility for earned discretionary sentence credit to offenders who have not been found guilty of a serious disciplinary offense during the previous 12 months (currently, any serious disciplinary offense disqualifies the offender from receiving this credit). Additionally, offenders serving sentences for crimes committed prior to 6/19/98, excluding those serving natural life terms, may receive 45 or 90 days

of earned program sentence credit for programming completed prior to 1/1/20 (e.g., drug or alcohol abuse treatment programs) if completion of the programming is documented by DOC, a third party or another source. Persons convicted of sex offenses cannot receive this credit unless they successfully complete or are enrolled in sex offender treatment. Offenders may also receive 180 days of earned program sentence credit, in addition to other awards of earned sentence credit, if they complete a higher education degree while incarcerated or held in pre-trial detention and have not previously obtained a degree.

Questions/requests for copies/ comments through 9/28/20: Echo Beekman, DOC, 1301 Concordia Court, PO Box 19277, Springfield IL 62794-9277, 217/558-2200 ext. 6507, echo.beekman@doc.illinois.gov

■ MEDICAL STUDENTS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to the Part titled Family Practice Residency Code (77 IAC 590; 44 Ill Reg 13227) implementing PA 101-118, which amended the Underserved Physician Workforce Act (formerly the Family Practice Residency Act). The PA and this rulemaking allow primary care physicians, general surgeons, emergency medicine physicians, and obstetricians, or persons working toward a medical degree in one of these specialties, to receive scholarship funds or educational loan repayment

assistance in exchange for agreeing to work in a medical facility located in a Health Professional Shortage Area (HPSA) in Illinois. "Medical facilities" include hospitals; outpatient and rehabilitation facilities; long term care facilities; community health or mental health centers; migrant health centers; other public health centers; State mental health institutions; and State correctional institutions. Scholarship recipients must work in an HPSA one year for each year they receive scholarship funds. Recipients of student loan repayment assistance must work in an HPSA full time for 2 years or half time for 4 years, in return for up to \$50,000 in loan repayment assistance. All recipients must sign a written agreement with the State. Any breach of a scholarship or loan repayment agreement will require the recipient to repay their assistance, plus penalties, for each period of obligated service not completed. Service obligations may be waived or deferred for good cause (e.g., disability, family leave, military service). Additionally, DPH will provide grant funds to projects designed to improve health care access in underserved areas and that are overseen by Illinois-licensed and board certified physicians who serve, or are eligible to serve, as faculty of accredited schools of medicine or osteopathy. Procedures for applying for project grants and criteria for awarding grants are outlined. DPH will give

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Adopted Rules

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disabilities under an Individualized Education Program. The rulemaking also allows schools to provide reasonable prior notice of impending destruction of student records via notice in a parent or student handbook; publication in a newspaper published in the school district; or, if no newspaper is published in the district, a newspaper of general circulation within the district, by U.S. Mail delivered to the parent or student's last known address, or by any other means provided receipt of the notice is confirmed.

CHARTER SCHOOLS

SBE adopted amendments to Charter Schools (23 IAC 650; 44 Ill Reg 2729) effective 7/28/20, implementing PA 101-543, which abolishes the State Charter School Commission effective 7/1/20 and reverts most of the Commission's duties to SBE. The rulemaking removes obsolete references to the Commission and makes provisions for SBE to hear appeals of local school board decisions to revoke or not renew a school's charter (formerly the Commission's responsibility). It also clarifies when charter schools created by a local school board may have their authorization transferred to SBE. Since 1st Notice, SBE has changed timelines for appealing the revocation or non-renewal of a school's charter and for issuing notices of hearing when an appeal is accepted.

Questions/requests for copies of the 3 SBE rulemakings: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, rules@isbe.net

■ INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments to the Part titled Unfair Discrimination Based on Sex, Sexual Orientation, Gender Identity or Marital Status (50 IAC 2603; 43 Ill Reg 14987), effective 7/31/20, extending rules against discrimination based on actual or perceived gender identity that currently apply to group health insurance plans to all companies that offer or provide group or individual health insurance coverage. Prohibited actions under these rules include: denying or charging higher rates for coverage of gender dysphoria treatment if other medical conditions are covered; limiting, canceling, or refusing to issue a policy to a transgendered person; designating actual/perceived gender identity or gender dysphoria as a preexisting condition for which coverage will be denied or limited; denying coverage or charging higher rates for surgical treatment of gender dysphoria; and denial/limitation of claims for services exclusively or ordinarily available only to individuals of one sex (e.g., screening/examination for breast cancer or prostate cancer) because the individual is enrolled as belonging to the other sex, or is undergoing gender transition. Additionally, all insurance

companies are prohibited from using separate risk rating classifications or differentiating in rates on the basis of actual or perceived gender identity, unless the differentiation is based on expected claim costs and expenses derived by applying sound actuarial principles to relevant and reasonably current company/intercompany studies, claim costs, and expense experience. Effective 8/1/20, no insurance company shall charge a differential by actual/perceived gender identity, or based on the transgender identity of an insured or prospective insured, that is larger than the differential indicated by the criteria stated in this rulemaking. However, an insurer is not prohibited from recognizing an individual's gender identity to the extent requested by that individual. Since 1st Notice, DOI has added language clarifying actions that may be classified as discrimination. Small insurance companies that offer accident and health insurance policies are affected by this rulemaking.

Questions/requests for copies: Robert Planthold, DOI, 122 S. Michigan Ave., 19th Fl., Chicago IL 60603, 312/814-5445.

DOI also adopted a new Part titled Prior Notification of Dividends or Distributions (50 IAC 1305; 44 Ill Reg 3039) effective 7/31/20 implementing PA 100-1118. The new Part requires domestic captive insurance companies that are required to notify DOI of

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Emergency Rules

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shall identify any benefit charges that are not related to COVID-19 and any non-COVID-19 related basis for seeking cancellation of benefit charges for weeks falling outside the pandemic period. Employers making payments in lieu of contributions shall also identify, in their applications for revision of amounts due for benefits paid, any amounts due for reasons other than COVID-19 and any non-COVID-19 related basis for seeking cancellation of amounts due for weeks outside the pandemic period. Small businesses and non-profit entities may be affected by this emergency rule.

Questions/requests for copies/comments on the proposed rulemaking through 9/28/20: Kevin Lovellette, DES, 33 S. State St., Room 930, Chicago IL 60603, 312/793-1224, fax 312/7 9 3 - 5 6 4 5 , Kevin.Lovellette@illinois.gov

BILINGUAL EDUCATION

The STATE BOARD OF EDUCATION adopted an emergency amendment to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 44 Ill Reg 13498) effective 7/31/20 for a maximum of 150 days. The emergency rule waives, for the 2020-21 school year only, the requirement that teachers in bilingual education programs pass a language test before being hired. Instead, any individual who holds a bachelor's degree and a valid

Illinois educator license and demonstrates proficiency in English and the target language he or she is teaching via an interview with the hiring entity may be assigned as a bilingual education teacher in grades K-12. A school district that hires such an individual must, within 10 days after hiring, file a form with its regional office of education verifying that the individual meets these criteria.

Questions/requests for copies: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, rules@isbe.net

VIDEO GAMING

The ILLINOIS GAMING BOARD adopted an emergency amendment to Video Gaming (General) (11 IAC 1800; 44 Ill Reg 13463) effective 7/28/20 for a maximum of 150 days. The emergency amendment provides that when a prize redemption device is unable to redeem a video gaming patron's ticket for its full value due to a shortage of coins, the device shall either return the ticket in its full amount or redeem as much of the value as possible and print a voucher for the remaining balance. The patron may redeem the returned ticket or the voucher by bringing it to the licensed gaming location or by mailing it to the terminal operator. If the ticket or voucher is redeemed via mail, the terminal operator shall issue the full payment within 10 business days and include reimbursement to the patron for the cost of postage. Licensed video gaming locations and terminal

operators are affected by this emergency rule.

Questions/requests for copies: Agostino Lorenzini, IGB, 160 N. La Salle St., Chicago IL 60601, IGB.RuleComments@igb.illinois.gov

LOCAL TOURISM GRANTS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted emergency amendments to the Part titled Local Tourism and Convention Bureau Program (14 IAC 550; 44 Ill Reg 13435) effective 7/29/20 for a maximum of 150 days. An identical proposed rule appears in this week's *Illinois Register* at 44 Ill Reg 13175. The rulemaking implements provisions of Public Act 101-636 affecting DCEO grants to local tourism and convention bureaus (LTCBs) and reflects current statute that allocates 18% of these grant funds to Chicago bureaus and 82% to bureaus elsewhere in Illinois. To provide economic relief from the effects of the COVID-19 pandemic, the percentage of matching funds that LTCBs must provide has been reduced from 50% to 25% for fiscal year 2021, and previously certified applicants will not be required to submit the same documentation as new applicants. Up to 60% (formerly 50%) of total grant funds awarded may be applied to salaries and related payroll expenses of an LTCB, and up to 100% of that capped amount (formerly 50%) may be applied to the chief

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Adopted Rules

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dividends or other distributions to do so in writing within 5 business days following the declaration of a dividend/distribution and no less than 10 business days prior to payment. Information that must be contained in the notification includes the amount of the dividend/distribution and the date of payment; whether the dividend or distribution is in cash or in other property; and a brief statement of the effect of the proposed dividend upon the insurer's surplus. Failure to timely file this notification subjects the company to penalties under the Insurance Code.

Questions/requests for copies: Marcy Savage, DOI, 320 W. Washington, 4th Fl., Springfield IL 62767-0001, 217/524-0016.

TORTURE COMMISSION

The TORTURE INQUIRY AND RELIEF COMMISSION adopted amendments to the Part titled Organization, Public Information, Procedures and Rulemaking (2 IAC 3500; 44 Ill Reg 13427) effective 7/29/20. The amendments add conflict of interest provisions that specify when a member of the Commission must disqualify himself or herself from an investigation. (The Commission investigates claims by persons convicted of criminal offenses in Cook County that their convictions were based upon statements coerced by the police.) Potential conflicts of interest that require a Commissioner to step aside from an investigation include personal bias or prejudice concerning a party or that party's attorney; personal knowledge of disputed evidentiary facts about the matter

in controversy; having served as an attorney, advocate or law enforcement officer in the case at issue; having worked for the law firm representing the claimant within the last 3 years; or reasonable expectation of being called as a material witness if an evidentiary hearing is held. A Commissioner must also step aside if these criteria apply to his or her spouse, parent, child or another relative within the third degree of relationship (i.e., great-grandparents, great-grandchildren, and closer relatives) The amendments also clarify when, how and for what purposes counsel may be appointed for an indigent person bringing a claim before the Commission.

Questions/requests for copies: Michelle Jenkins, TIRC, 100 W. Randolph St., Suite 10-300, Chicago IL 60601, 312/814-1094, fax 312/814-5333.

Emergency Rules

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executive officer's salary. All grantees must conduct a compliance audit pursuant to Grant Accountability and Transparency Act (GATA) rules in 44 IAC 7000.90. (Formerly, audits were required only for grants of more than \$500,000 or if an audit was deemed to be in the State's best interest.) Local tourism and convention bureaus seeking DCEO grants are affected by this emergency rule.

Questions/requests for copies/ comments on the proposed

rulemaking through 9/28/20: Jolene Clarke, DCEO, 500 E. Monroe, Springfield IL 62701, 217/557-1820, fax 217/524-3701, jolene.clarke@illinois.gov

SOS PROCEDURES

The SECRETARY OF STATE adopted an emergency amendment to the Part titled Uniform Partnership Act (1997) (14 IAC 166; 44 Ill Reg 13493) effective 7/31/20, reversing an earlier emergency amendment that was effective 4/27/20 (44 Ill Reg 7956) and was suspended by the Joint Committee on

Administrative Rules on 5/20/20. This emergency amendment, filed in response to the JCAR Objection and Suspension, rescinds provisions that had previously allowed SOS to disregard a statutory 10-day timeframe for approving or disapproving organizational documents filed on paper.

Questions/requests for copies: Terrence McConville, SOS, 100 W. Randolph, #5-400, Chicago IL 60601, tmccconville@ilsos.gov

Proposed Rulemakings

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priority to projects that demonstrate the greatest impact upon availability of health care in an HPSA. Those affected by this rulemaking include medical students, certain physicians, and medical facilities in underserved areas.

Questions/requests for copies/comments through 9/28/20: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

■ CDL TESTS

The SECRETARY OF STATE proposed an amendment to Commercial Driver Training Schools (92 IAC 1060; 44 Ill Reg 13301) that allows persons taking a Class A Commercial Driver's License (CDL) skills test (for tractor-trailers) the option of taking the test in a representative vehicle with an automatic transmission. (Currently, the test must be taken in a multi-range transmission vehicle with at least 9 forward gears.) Commercial driver training schools and applicants for CDLs are affected by this rulemaking.

Questions/requests for copies/comments through 9/28/20: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094, pwright@ilsos.gov

COMMUNITY COLLEGES

The ILLINOIS COMMUNITY COLLEGE BOARD proposed amendments to the Part titled

Administration of the Illinois Public Community College Act (23 IAC 1501; 44 Ill Reg 13177) updating provisions for capital projects. ICCB's grants to community college districts for rehabilitation and repair of existing facilities, currently known as capital renewal grants, are renamed as deferred maintenance grants. Districts must submit their annual report of construction in progress and acreage to ICCB by July 1 (currently, August 1); this report must include estimated deferred maintenance annual costs and current backlog, all completed and in-progress projects using State funds, and all completed/in-progress local projects costing \$250,000 or more. Site purchases, utilities projects and site improvements not related to new facilities construction will be evaluated based on the need to support existing campus facilities and services. Project priority factors in current rule (e.g., type of space, utilization of current space, program considerations) will be ranked based on a point system. The rulemaking also updates incorporations of current building and safety codes.

Questions/requests for copies/comments through 9/28/20: Matt Berry, ICCB, 401 E. Capitol Ave., Springfield IL 62701-1711, 217/785-7411, fax 217/524-4981, matt.berry@illinois.gov

■ CHILD BEREAVEMENT LEAVE

The DEPARTMENT OF LABOR proposed a new Part titled Child Bereavement Leave (56 IAC 252; 44 Ill Reg 13221) implementing

the Child Bereavement Leave Act, which affects all employers subject to the federal Family and Medical Leave Act (private employers with 50 employees or more). The Part provides that all employees covered by the Act shall be entitled to a maximum of 2 weeks, or 10 work days, of unpaid leave after the death of the employee's child (including a foster child or stepchild), which must be completed within 60 days after the employee has been notified of the child's death. Other paid or unpaid leave for which the employee is eligible (e.g., family or medical leave) may be substituted if the employee chooses. If more than one child dies within a 12-month period, up to 6 weeks bereavement leave may be taken during that period. Employers must, when reasonable and practicable, be provided at least 48 hours advance notice of this leave, and employers may request reasonable documentation of the death such as a death certificate, published obituary, or written verification from a funeral home/mortuary. Employers may not take any adverse action against an employee who exercises his or her rights under the Act; civil penalties of up to \$500 for a first offense and \$1,000 for each subsequent offense may be imposed upon employers who violate the Act or these rules. DOL may also bring legal action against an employer to recover unpaid wages, damages, and penalties resulting from violations of the Act.

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Proposed Rulemakings

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Questions/requests for copies/ comments through 9/28/20: Jason Keller, DOL, 900 S. Spring St., Springfield IL 62704, 217/782-1706, jason.keller@illinois.gov

STATE RETIREMENT

The STATE EMPLOYEES' RETIREMENT SYSTEM proposed amendments to The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 44 Ill Reg 13312) requiring mandatory direct deposit of any benefit that becomes payable on or after 1/1/21. This requirement may be waived by the SERS Executive

Secretary for good cause, or if the payee lives outside the U.S. or demonstrates that payment by direct deposit would create a hardship. Other provisions of this rulemaking include: Participants in the Early Retirement Incentive program that elect a total buyout payment will not receive the age and service enhancement components of the ERI program unless they have paid the necessary costs prior to electing the buyout. If a member's spouse dies after the member has elected an accelerated pension benefit payment, no change shall be made to the calculation of the member's benefit payment. Semi-annual recertification of full-time student status (for dependent children)

shall be required only if SERS is unable to verify, through data supplied by a third-party vendor, that the child is a full-time student. Finally, the Executive Secretary of SERS may designate a person to serve in his or her place on the Executive Committee; the Executive Secretary and Chairperson of the Board may also appoint alternate designees to serve in place of their previously appointed designees.

Questions/requests for copies/ comments through 9/28/20: Jeff Houch, SERS, 2101 S. Veterans Pkwy., PO Box 19255, Springfield IL 62794-9255, 217/524-8105, fax 217/557-3943, jeff.houch@srs.illinois.gov

Joint Committee on Administrative Rules

Senator Bill Cunningham, co-chair	Representative Tom Demmer
Senator John F. Curran	Representative Michael Halpin
Senator Kimberly Lightford	Representative Frances Ann Hurley
Senator Tony Muñoz	Representative Steven Reick
Senator Sue Rezin	Representative André Thapedi
Senator Paul Schimpf	Representative Keith Wheeler, co-chair

**Vicki Thomas
Executive Director**

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The DFPR rulemaking was considered at the August 11, 2020 JCAR meeting while the two IEPA rulemakings will be considered at the September 15, 2020 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF FINANCIAL & PROFESSIONAL REGULATION

Cannabis Regulation and Tax Act (68 IAC 1291; 44 Ill Reg 10343) proposed 6/19/20

IL ENVIRONMENTAL PROTECTION AGENCY

Public Water Supply Capacity (Repealer) (35 IAC 652; 43 Ill Reg 13880) proposed 12/6/19

Community Water Supplies (35 IAC 652; 43 Ill Reg 13889) proposed 12/6/19

JCAR Meeting Action

At its 8/11/20 meeting, the Joint Committee on Administrative Rules took the following actions:

OBJECTION & RECOMMENDATION

JCAR objected to the Liquor Control Commission rulemaking titled The Illinois Liquor Control Commission (11 IAC 100; 43 Ill Reg 14571) because of the unbalanced economic impact the rulemaking could have on some sectors of the liquor industry. JCAR also recommends that LCC continue to work with the various sectors of the industry to fully determine the economic impact of this rulemaking and to find a balanced solution to the issue of State mandated access to cooperative purchasing agreements.

RECOMMENDATION

With regard to the State Board of Education rulemaking titled Registered Apprenticeship Program (23 IAC 255; 44 Ill Reg 4553), JCAR recommended that SBE be more timely in implementing rulemakings by the deadlines established in statute. SBE was statutorily required to initiate rulemaking in January 2019. It did not propose this rulemaking until March 2020.

EXTENSION

JCAR and the State Board of Education agreed to extend Second Notice for the rulemaking titled

Voluntary Registration and Recognition of Nonpublic Schools (23 IAC 425; 44 Ill Reg 3844) an additional 45 days. This rulemaking will be considered again at the September 15 meeting.

WITHDRAWAL OF SUSPENSIONS

JCAR withdrew suspensions issued at the 5/20/20 meeting against the following Secretary of State emergency rules: Business Corporation Act (14 IAC 150; 44 Ill Reg 7944), General Not For Profit Corporations (14 IAC 160; 44 Ill Reg 7951), Uniform Partnership Act (1997) (14 IAC 166; 44 Ill Reg 7956), Uniform Limited Partnership Act (2001) (14 IAC 171; 44 Ill Reg 7961) and Limited Liability Company Act (14 IAC 178; 44 Ill Reg 7966). In response to the suspensions, SOS obtained an Executive Order setting aside the statutory deadlines it had waived in these emergency rules.

OTHER

With regard to a Department of Public Health emergency rule titled Control of Communicable Diseases Code (77 IAC 690), effective 8/7/20, concerning face covering and social distancing requirements for businesses, facilities, schools and other entities, a motion to object to and suspend this rule failed on a 6-5 vote (8 affirmative votes are required to impose a suspension). This emergency rule will appear in next week's *Illinois Register* and Flinn Report.